

BOARD OF APPEALS CASE NO. 5098

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BEFORE THE

APPLICANT: Tom Dieter

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ZONING HEARING EXAMINER

**REQUEST: Variance to create 2 lots without the
required 200 foot width at the building line;
2311 Amoss Mill Road, Pylesville**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 11/8/00 & 11/15/00

HEARING DATE: December 20, 2000

Record: 11/10/00 & 11/17/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Tom Dieter, is requesting a variance pursuant to Section 267-43C, Table II, of the Harford County Code to create two (2) lots with less than the required 200 foot lot width at the building line (165 feet and 190 feet proposed) in an AG/Agricultural District.

The subject parcel is located at 2311 Amos Mill Road and is more particularly identified on Tax Map 8, Grid 12, Parcel 182. The parcel consists of 5 acres, is zoned AG/Agricultural, and is entirely within the Fourth Election District.

Mr. Tom Dieter appeared and testified that he was the Applicant in this case and that he had owned the subject property for 29 years. He began living on the property 23 years ago. The property has a family conveyance associated with it, however, the overall lot is very narrow ranging from 165 feet to 190 feet in width. He intends to create an additional lot using the family conveyance so that his son can construct a home and live there. Neither lot will meet the 200 foot minimum width requirement. Lot 1 will be 165 feet and Lot 2 will be 200 feet. There will be a 25 foot right of way granted to the new lot creating a panhandle. All setbacks will be met and all other requirements of the Code will be met. All adjoining properties are residential uses and a similar variance was granted to the adjacent lot. Mr. Dieter did not believe there would be any adverse impact as a result of the grant of his request nor did he feel that the purposes of the Code would be impaired. He did state that, without the variance, he would not be able to meet the requirements and would not be able to utilize the family conveyance, creating a hardship for him and his son.

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Mr. Anthony McClune appeared on behalf of the Department of Planning and Zoning and testified that this is a uniquely configured lot and further, that similar variances have been granted to other properties including an adjacent lot. Mr. McClune stated that allowing the variance was consistent with good planning and zoning principles and he did not anticipate any adverse impact to adjoining or neighboring properties. The Department of Planning and Zoning recommended approval subject to several conditions. The Applicant indicated that he intended to comply with the conditions recommended by the Department.

CONCLUSION:

Based on the shape and dimensions of the existing property the 2 lots configured as presented by the Applicant represent the maximum lot widths that can be created. The Code requires a minimum building lot width of 200 feet and these two lots will be 165 and 190 feet respectively. An adjacent property has been previously granted a similar variance because of its dimensions. The area is substantially residential and the proposed use on the new lot is also residential.

The Harford County Code, pursuant to 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

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Based on the findings of the Department of Planning and Zoning and the testimony of the Applicant, the Hearing Examiner finds that the requirements of Section 267-11 have been met and recommends approval of the Application herein subject to the following:

1. The Applicant submit a preliminary plan to the Department of Planning and Zoning for review and approval.
2. The Applicant submit a final plat to the Department of Planning and Zoning for approval and recordation in the County Land Records.
3. All Applicable County and State regulations must be met.
4. The Applicant obtain any and all necessary permits and inspections.

Date JANUARY 17, 2001

William F. Casey
Zoning Hearing Examiner